

REMARKS/ARGUMENTS

The Examiner has indicated that the Terminal Disclaimer filed on January 26, 2004 has been disapproved. The Examiner further notes that a notice of the disapproval of the terminal disclaimer was mailed to Applicant on February 9, 2004. Applicant has never received this notice. Because of this, Applicant believes that the Examiner should consider this Response after Final.

The Examiner has rejected Claims 1-5 and 7-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5 and 7-8 of U.S. Patent No. 6,596,404. Applicants have submitted herewith a terminal disclaimer under 37 CFR 1.321(c). Applicants believe that this terminal disclaimer overcomes this rejection. Additionally, at the time that the invention was made, this application was commonly owned with U.S. Patent No. 6,596,404. Dow Corning Corporation owns 100% of subsidiaries Dow Corning Asia, Ltd. and Dow Corning S.A. (see MPEP 706.02(I)(2)).

The Examiner has indicated that claims 1 and 5 would be allowable if rewritten to overcome the double patenting rejection set forth in the Office Action. Applicant believes that the terminal disclaimer submitted herein overcomes the double patenting rejection and that no further amendments to claims 1 and 5 are necessary.

The Examiner has indicated that claims 2-4 and 7-9 would be allowable if rewritten to overcome the double patenting rejection, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Applicant


believes that the terminal disclaimer submitted herein overcomes the double patenting rejection and that no further amendments to claims 2-4 and 7-9 are necessary.

The Examiner has objected to claim 6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes that the terminal disclaimer submitted herein overcomes the double patenting rejection and that no further amendments to claim 6 is necessary.

Applicant believes that the instant invention is novel and unobvious. Applicant respectfully requests that the Examiner withdraw the rejections and allow the claims to issue.

The present response is being submitted within the three-month period of time for response to the outstanding office action. Applicant believes that no extension of time is necessary however, in the event that such an extension is necessary, you are authorized to charge deposit account number 04-1520 any fees necessary to maintain the pendency of the present application.

Respectfully Submitted,
DOW CORNING CORPORATION


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